

116TH CONGRESS
2D SESSION

S. 4606

To authorize the President to use military force for the purpose of securing and defending Taiwan against armed attack, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2020

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize the President to use military force for the purpose of securing and defending Taiwan against armed attack, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taiwan Invasion Pre-
5 vention Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION FOR USE OF UNITED STATES ARMED
FORCES

Sec. 101. Findings; sense of Congress.

Sec. 102. Authorization for use of United States Armed Forces.

TITLE II—OTHER MATTERS

Sec. 201. Regional security dialogue to improve security relationships in the Western Pacific area.

Sec. 202. United States-Taiwan bilateral trade agreement.

Sec. 203. United States-Taiwan combined military exercises and related actions.

Sec. 204. Sense of Congress regarding United States support for defending Taiwan.

Sec. 205. High-level visits.

Sec. 206. Sense of Congress regarding address to joint session of Congress by President of Taiwan.

1 **TITLE I—AUTHORIZATION FOR** 2 **USE OF UNITED STATES** 3 **ARMED FORCES**

4 **SEC. 101. FINDINGS; SENSE OF CONGRESS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Taiwan is a free and prosperous democracy
7 of nearly 24,000,000 people and is an important
8 contributor to peace and stability around the world.

9 (2) Section 2(b) of the Taiwan Relations Act
10 (Public Law 96–8; 22 U.S.C. 3301(b)) states that it
11 is the policy of the United States—

12 (A) “to preserve and promote extensive,
13 close, and friendly commercial, cultural, and
14 other relations between the people of the United
15 States and the people on Taiwan, as well as the
16 people on the China mainland and all other peo-
17 ples of the Western Pacific area”;

1 (B) “to declare that peace and stability in
2 the area are in the political, security, and eco-
3 nomic interests of the United States, and are
4 matters of international concern”;

5 (C) “to make clear that the United States
6 decision to establish diplomatic relations with
7 the People’s Republic of China rests upon the
8 expectation that the future of Taiwan will be
9 determined by peaceful means”;

10 (D) “to consider any effort to determine
11 the future of Taiwan by other than peaceful
12 means, including by boycotts or embargoes, a
13 threat to the peace and security of the Western
14 Pacific area and of grave concern to the United
15 States”;

16 (E) “to provide Taiwan with arms of a de-
17 fensive character”; and

18 (F) “to maintain the capacity of the
19 United States to resist any resort to force or
20 other forms of coercion that would jeopardize
21 the security, or the social or economic system,
22 of the people on Taiwan”.

23 (3) Since the election of President Tsai Ing-wen
24 as President of Taiwan in 2016, the Government of
25 the People’s Republic of China has intensified its ef-

1 forts to pressure Taiwan through diplomatic isola-
2 tion and military provocations.

3 (4) The rapid modernization of the People's
4 Liberation Army and recent military maneuvers in
5 and around the Taiwan Strait illustrate a clear
6 threat to Taiwan's security.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) both the United States and Taiwan have
10 made significant strides since 1979 in bolstering
11 their defense relationship;

12 (2) the People's Republic of China has dramati-
13 cally increased the capability of its military forces
14 since 1979;

15 (3) the People's Republic of China has in recent
16 years increased the use of its military forces to har-
17 ass and provoke Taiwan with the threat of over-
18 whelming force; and

19 (4) it is the policy of the United States to con-
20 sider any effort to determine the future of Taiwan
21 by anything other than peaceful means, including by
22 boycotts or embargoes, a threat to the peace and se-
23 curity of the Western Pacific area, and of grave con-
24 cern to the United States.

1 **SEC. 102. AUTHORIZATION FOR USE OF UNITED STATES**

2 **ARMED FORCES.**

3 (a) IN GENERAL.—The President is authorized to
4 use the Armed Forces of the United States and take such
5 other measures as the President determines to be nec-
6 essary and appropriate in order to secure and protect Tai-
7 wan against—

8 (1) a direct armed attack by the military forces
9 of the People’s Republic of China against the mili-
10 tary forces of Taiwan;

11 (2) the taking of territory under the effective
12 jurisdiction of Taiwan by the military forces of the
13 People’s Republic of China; or

14 (3) the endangering of the lives of members of
15 the military forces of Taiwan or civilians within the
16 effective jurisdiction of Taiwan in cases in which
17 such members or civilians have been killed or are in
18 imminent danger of being killed.

19 (b) WAR POWERS RESOLUTION REQUIREMENTS.—

20 (1) SPECIFIC STATUTORY AUTHORIZATION.—
21 Consistent with section 8(a)(1) of the War Powers
22 Resolution (50 U.S.C. 1547(a)(1)), Congress de-
23 clares that this section is intended to constitute spe-
24 cific statutory authorization within the meaning of
25 section 5(b) of the War Powers Resolution (50
26 U.S.C. 1544(b)).

1 (2) APPLICABILITY OF OTHER REQUIRE-
2 MENTS.—Nothing in this Act may be construed to
3 supersede any requirement of the War Powers Reso-
4 lution (50 U.S.C. 1541 et seq.).

5 (c) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that, at the earliest possible date after the date of
7 the enactment of this Act, the President should release
8 a public declaration that it is the policy of the United
9 States to secure and protect Taiwan against any action
10 of the People’s Republic of China described in paragraph
11 (1), (2), or (3) of subsection (a).

12 (d) STATEMENT OF POLICY.—It is the policy of the
13 United States to demand that the People’s Republic of
14 China officially renounce the use or threat of military
15 force in any attempt to unify with Taiwan.

16 (e) AUTHORIZATION PERIOD.—

17 (1) IN GENERAL.—The authorization for use of
18 the Armed Forces under this section shall expire on
19 the date that is 5 years after the date of the enact-
20 ment of this Act.

21 (2) SENSE OF CONGRESS.—It is the sense of
22 Congress that the authorization for use of the
23 Armed Forces under this section should be reauthor-
24 ized by a subsequent Act of Congress.

1 **TITLE II—OTHER MATTERS**

2 **SEC. 201. REGIONAL SECURITY DIALOGUE TO IMPROVE SE-**
3 **CURITY RELATIONSHIPS IN THE WESTERN**
4 **PACIFIC AREA.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of De-
7 fense, in coordination with the Secretary of State and the
8 heads of other relevant Federal agencies, as appropriate,
9 shall seek to convene, on an annual basis, a regional secu-
10 rity dialogue with the Government of Taiwan and the gov-
11 ernments of like-minded security partners to improve the
12 security relationships among the United States and such
13 countries in the Western Pacific area.

14 (b) MATTERS TO BE INCLUDED.—The regional secu-
15 rity dialogue may consider matters relating to—

16 (1) coordinating lower-level military-to-military
17 dialogue; and

18 (2) planning for potential military confrontation
19 scenarios.

20 **SEC. 202. UNITED STATES-TAIWAN BILATERAL TRADE**
21 **AGREEMENT.**

22 Not later than 180 days after the date of the enact-
23 ment of this Act, the United States Trade Representative
24 should seek to enter into negotiations with representatives

1 from Taiwan to establish a bilateral trade agreement be-
2 tween the United States and Taiwan.

3 **SEC. 203. UNITED STATES-TAIWAN COMBINED MILITARY**
4 **EXERCISES AND RELATED ACTIONS.**

5 (a) COMBINED MILITARY EXERCISES.—The Sec-
6 retary of Defense, in coordination with the heads of other
7 relevant Federal agencies, should seek to carry out a pro-
8 gram of combined military exercises between the United
9 States, Taiwan, and, if feasible, other United States allies
10 and partners to improve military coordination and rela-
11 tions with Taiwan.

12 (b) COMBINED DISASTER RELIEF EXERCISES.—The
13 Secretary of Defense, in coordination with the heads of
14 other relevant Federal agencies, should engage with their
15 counterparts in Taiwan to organize combined disaster and
16 humanitarian relief exercises.

17 (c) TAIWAN STRAIT TRANSITS, FREEDOM OF NAVI-
18 GATION OPERATIONS, AND PRESENCE OPERATIONS.—
19 The Secretary of Defense should consider increasing tran-
20 sits through the Taiwan Strait, freedom of navigation op-
21 erations in the Taiwan Strait, and presence operations in
22 the Western Pacific by the United States Navy, including
23 in conjunction with United States allies and partners.

24 (d) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that Taiwan should dedicate additional domestic re-

1 sources toward advancing its military readiness for pur-
2 poses of defending Taiwan, including through—

3 (1) steady increases in annual defense spending
4 as a share of gross domestic product;

5 (2) procurements of defense technologies that
6 directly bolster Taiwan’s asymmetric defense capa-
7 bilities;

8 (3) reform of Taiwan’s military reserves, includ-
9 ing increasing the length of training required and
10 number of days required in service annually;

11 (4) participation with United States Armed
12 Forces in combined military exercises; and

13 (5) further engagement with the United States
14 on strengthening Taiwan’s cyber capabilities.

15 **SEC. 204. SENSE OF CONGRESS REGARDING UNITED**
16 **STATES SUPPORT FOR DEFENDING TAIWAN.**

17 It is the sense of Congress that—

18 (1) given the security considerations posed by
19 the People’s Republic of China, the Secretary of
20 State should accelerate the approval of sales of de-
21 fense articles and services to Taiwan for purposes of
22 defending Taiwan; and

23 (2) the Secretary of Defense should offer sup-
24 port to Taiwan by—

1 (A) continuing to send United States mili-
2 tary advisors to Taiwan for training purposes;

3 (B) encouraging members of the United
4 States Armed Forces to enroll in Taiwan's Na-
5 tional Defense University;

6 (C) maintaining a significant United
7 States naval presence within a close proximity
8 to Taiwan; and

9 (D) reestablishing the Taiwan Patrol
10 Force under the direction of the United States
11 Navy.

12 **SEC. 205. HIGH-LEVEL VISITS.**

13 (a) VISIT TO TAIWAN BY PRESIDENT OF THE
14 UNITED STATES.—Not later than 1 year after the date
15 of the enactment of this Act, the President or the Sec-
16 retary of State (if designated by the President), with ap-
17 propriate interagency consultation and participation,
18 should arrange a meeting in Taiwan with the President
19 of Taiwan.

20 (b) VISIT TO THE UNITED STATES BY PRESIDENT
21 OF TAIWAN.—It is the sense of Congress that the United
22 States would benefit from a meeting in the United States
23 between the President or the Secretary of State and the
24 President of Taiwan.

1 **SEC. 206. SENSE OF CONGRESS REGARDING ADDRESS TO**
2 **JOINT SESSION OF CONGRESS BY PRESIDENT**
3 **OF TAIWAN.**

4 It is the sense of Congress that it would be beneficial
5 for the United States and Taiwan to invite the President
6 of Taiwan to address a joint session of Congress and sub-
7 sequently participate in a roundtable discussion with mem-
8 bers of Congress.

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